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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,072	08/16/2000	Masahiro Takagi	040301/0602	3055

22428 7590 01/12/2004

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WASHINGTON, DC 20007

EXAMINER

SCHEIBEL, ROBERT C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/639,072

Applicant(s)

TAKAGI ET AL.

Examiner

Robert C. Scheibel

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 10-15 and 18 is/are allowed.
- 6) ☒ Claim(s) 8, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The disclosure is objected to because of the following informalities: on page 15, line 7, "fourth allocation units" should be "third allocation units".

Appropriate correction is required.

### ***Claim Objections***

3. Claim **9 and 16** are objected to because of the following informalities:
  - In claim 9, lines 8-11 discuss the "one radio terminal which receives the multicast information using a time-slot corresponding to the first media access control identifier". However, the parent claim 1 indicates that the multicast information is received in "a time-slot corresponding to the second media access control". Claim 9 should be updated to resolve this inconsistency.
  - In claim 16, line 1, the phrase "The ratio terminal" should be changed to "The radio terminal".
4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims **8 and 16-17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "a fourth allocation unit" in line 5. Further, in lines 7-8, "first, second and fourth allocation units" are referenced. Parent claim 1 refers to only a first and second allocation unit. In the first case, it is unclear whether the applicant intends to have four allocation units, or if there are only 3 allocation units identified as the first, second, and fourth allocation units. In the latter case, the "another media access control identifier" is allocated by the fourth allocation unit and cannot be different than that allocated by the fourth allocation unit. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "fifth reception unit" in line 5. However, the parent claim 10 discusses only 3 reception units. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 17 recites the limitation "a third transmission unit" in line 5. However, the parent claim 10 discusses only one transmission unit. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

8. Claims **1-7, 10-15, and 18** are allowed.

9. Claim 9 would be allowable if rewritten to overcome the objection set forth in this Office action.

10. Claims **8 and 16-17** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is an examiner's statement of reasons for allowance.

Regarding claims **1, 10, and 18**, the U.S. Patent 6,556,853 to Raivisto teaches all the limitations with the exception of the second allocation unit of claim 1, the second reception unit of claim 10, and the step of allocating a second media access control identifier of claim 18. Raivisto teaches allocating a separate token that the members of the multicast group use to decode the multicast message. However, Raivisto fails to teach the limitation of allocating a media access control identifier to the multicast information. The prior art of record also fails to teach this limitation.

Claims **1-9 and 11-17** depend on claims 1 and 10 and as such are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,556,835 to Raivisto is cited as being state of the art in the area of multicasting in cellular type systems.

Art Unit: 2666

U.S. Patent 6,026,296 to Sanders, III et al, teaches a means for adding a one-to-many voice service to existing telephone networks.

U.S. Patent 6,144,651 to Rinchiuso et al, U.S. Patent 6,240,089 to Okanoué et al, and U.S. Patent 6,304,558 to Mysore teach methods for multicasting in cellular type systems.

U.S. Patent 6,157,622 to Tanaka et al teaches a method of multicasting in a wireless network comprising a plurality of terminals with no base station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 703-305-9062. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*RCS 1-6-04*  
Robert C. Scheibel  
Examiner  
Art Unit 2666

*DMS*  
DANIEL M. SUTHERLAND  
PRIMARY EXAMINER